

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW

C O N F I D E N T I A L STATE 093162

E. O. 11652: GDS

TAGS: PFOR, PINS, OTRA, UR

SUBJECT: CIVAIR-- AIR SECURITY CONVENTION; SOVIET
CONSULTATIONS

1. ACTION REQUESTED: EMBASSY REQUESTED APPROACH MFA ON
INFORMAL BASIS IN EFFORT DETERMINE SOVIET VIEWS ON
CANDIDATES FOR CHAIRMEN OF ICAO EXTRAORDINARY ASSEMBLY AND
DIPLOMATIC CONFERENCE CONVENING ROME, AUGUST 28.

2. F. Y. I. BACKGROUND: AS EMBASSY AWARE, ITEMS TO BE
CONSIDERED AT ICAO DIPLOMATIC CONFERENCE CONVENING AUGUST
28 IN ROME ARE NORDIC PROPOSAL FOR INDEPENDENT AIR SECURITY
CONVENTION AND SOVIET PROPOSAL FOR OPTIONAL PROTOCOL TO
HAGUE CONVENTION WHICH WOULD MAKE EXTRADITION MANDATORY IN
LIEU OF PRESENT OPTION UNDER CONVENTION TO EXTRADITE OR
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PROSECUTE OFFENDER.

3. USG STRONGLY FAVORS INDEPENDENT CONVENTION ALONG LINES NORDIC PROPOSAL (IF SUITABLY MODIFIED) WHICH COULD BE BROUGHT INTO FORCE RAPIDLY AND COULD FOCUS WORLD ATTENTION UPON STATES ACTING CONTRARY TO PRINCIPLES REFLECTED IN HAGUE, MONTREAL AND TOKYO CONVENTIONS. RECENTLY IN CONSULTATIONS WITH NORDIC REPS, WE PROPOSED CERTAIN MODIFICATIONS TO THEIR PROPOSAL, MOST ESSENTIAL OF WHICH WAS PROVISION FOR COMMISSION OF EXPERTS INSTEAD OF ICAO

COUNCIL TO MAKE FINDINGS OF FACT WHEN PROVISIONS OF CONVENTION WERE INVOKED BY ANY STATE PARTY.

4. IN PRESENT FORM SOVIET PROPOSAL WHICH LACKS ANY EXCEPTION FROM EXTRADITION REQUIREMENT FOR PERSON QUALIFYING FOR POLITICAL REFUGE UNLIKELY FIND ACCEPTANCE WITHIN USG. WHILE IT THEORETICALLY CONCEIVABLE THAT USG MIGHT DEVELOP POSITION THAT EXTRADITION WAS FAVORED REMEDY, IT WOULD REQUIRE PROVISION WHEREBY PROSECUTION ALTERNATIVE REMAINED APPLICABLE TO PERSON WHO MIGHT QUALIFY FOR POLITICAL REFUGEE STATUS. AT LEGAL COMMITTEE MEETING IN JANUARY 1973 SOVIET REP SUGGESTED ACCEPTABILITY OF SUCH AN EXCEPTION BUT NEVER PRODUCED ANY PRECISE FORMULATION.

5. EXTRAORDINARY ASSEMBLY WILL CONSIDER PROPOSALS FOR AMENDING CHICAGO CONVENTION. IN RECENTLY CONCLUDED CONSULTATIONS UK AND FRENCH INFORMED DEPT REPS THAT THEY PREPARING NEW PROPOSED AMENDMENT WHICH, IF RATIFIED BY 2/3 ICAO MEMBERSHIP (85 STATES), WOULD INCORPORATE INTO CHICAGO CONVENTION SUBSTANTIVE PROVISIONS OF HAGUE AND MONTREAL CONVENTIONS AS AND IF EACH SUCH CONVENTION ALSO RECEIVED RATIFICATION BY 2/3 ICAO MEMBERSHIP. FRANCE AND UK HAVE ALSO AGREED LEAVE THEIR RESPECTIVE " SANCTIONS" PROPOSALS (APPLICATION OF ARTICLE 94(B) VERSUS AMENDMENT ARTICLE 87(B)) ON TABLE BUT NOT PROMOTE THEM ACTIVELY.

6. THOUGH NEW UK/ FRENCH PROPOSAL NOT YET CIRCULATED AND NORDICS HAVE NOT YET AGREED UPON PROPOSED MODIFICATIONS TO THEIR PROPOSED CONVENTION, WE CONSIDER TIME PROPITIOUS
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FOR EXPLORATION OTHER STATE' S VIEWS ON QUESTION OF CANDIDATES FOR CHAIRMEN OF ASSEMBLY AND CONFERENCE. END
F. Y. I.

7. ACTION REQUESTED: REQUEST EMBASSY EXPLORE STATUS OF SOVIET THINKING ON CANDIDATES FOR CHAIRMANSHIP. EMBASSY MAY INDICATE USG STRONGLY FAVORS SEPARATE CHAIRMEN FOR TWO

BODIES SINCE THIS WILL ENHANCE POSSIBILITIES FOR POSITIVE
OUTCOME OF CONFERENCE. ALSO WE CONSIDER IT PHYSICALLY
IMPOSSIBLE FOR ONE MAN TO CHAIR BOTH ASSEMBLY AND
CONFERENCE WHICH WILL HAVE CONTRASTING PROCEDURES AND MAY
DEVELOP CONFLICTING SCHEDULING INTERESTS. CONSISTENT WITH
PREFERENCE OF UK AND FRANCE FOR POSITIVE OUTCOME ONLY OF
ASSEMBLY, THEY HAVE INDICATED TO US PREFERENCE FOR SINGLE
CHAIRMAN. IF SOVIETS INQUIRE ABOUT OUR VIEWS ON CHAIRMAN,
YOU MAY REPLY NO NAMES YET SELECTED BUT OUR CU
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